

Appl. No. 10/652,325
Atty. Docket No. 9350
Amdt. dated July 17, 2006
Customer No. 27752

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REMARKS

Claim 1 has been amended to correct an informality. No new matter has been presented in Claim 1 by way of the current amendment. Claims 1, 3-5, and 7-8 remain pending in the instant Application and are presented for the Examiner's reconsideration in light of the above amendment and the following comments.

Claim Objections

Claim 1 has been objected to due to an informality. By amendment herein, Applicants have amended Claim 1, line 19, to provide proper antecedent basis for the term "at least one bedroll blade." Applicants respectfully request removal of the Examiner's objection to Claim 1 herewith.

Rejection Under 35 USC §103

Claims 1, 3, and 5 have been rejected under 35 U.S.C. §103(a) over McNeil, U.S. Patent No. 4,919,351 in view of Nystrand, et al., U.S. Patent No. Re 28,353. Applicants traverse this rejection for the following reasons:

1. Applicants' claimed apparatus comprises, *inter alia*, a bedroll rotating at a first blade pass frequency and a chop-off roll rotating at a second blade pass frequency. The second blade pass frequency is distinct from the first blade pass frequency.

2. The *McNeil* reference provides for a chop-off roll 23 and a bedroll 21. However, contrary to Applicants' claimed invention, the chop-off roll 23 has the same angular rate of rotation (i.e., surface speed) as bedroll 21. In other words, the second blade pass frequency of the bedroll is the same as the first blade pass frequency of the chop-off roll. (5:36-37) This geometry is believed to provide substantially equal velocities to blades 31 and 32 as they move into and out of meshed relations. (5:42-44)

3. Providing for the bedroll rotating at a first blade pass frequency and a chop-off roll rotating at a second blade pass frequency where the second blade pass frequency is distinct from the first blade pass frequency provides for the blade tips 142 and 242 to be maintained at different velocities. (Specification, p. 5, ll. 27-28) Thus, the circumferential velocity of the blade tips 142 and 242 are different as they pass through the gap 400. (Specification, p. 5, ll. 27-28) The differing blade tip velocities yield relative motion between the blade 140 and blades 240 as the blades mesh. (Specification,

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p. 5, ll. 28-29) This provides the surprising result that the relative motion is used to separate the web material 300 at a line of weakness 310. (Specification, p. 5, ll. 29-30) Without desiring to be bound by theory, Applicants believe the web material 300 is stretched by the relative blade movement thereby subsequently failing at a line of weakness 310. (Specification, p. 6, ll. 29-30)

In light of the above, it should be clear that neither the *McNeil* reference nor the *Nystrand* reference, alone or in combination, teaches, discloses, or even remotely suggests providing for a bedroll and chop-off roll having differential surface speeds, as is required by Applicants' Claim 1. Therefore, it is difficult for Applicants to understand how the combination of the *McNeil* and *Nystrand* references can render Applicants' claimed invention obvious. Even assuming, *arguendo*, that all of Applicants' claimed limitations could be found in both the *McNeil* and *Nystrand* references, it is settled Federal Circuit case law that "when a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references." See *Akami Techs., Inc. v. Cable & Wireless Internet Svcs., Inc.*, 344 F.3d 1186, 68 U.S.P.Q. 2d 1186 (2003). The cited references are silent in this regard.

Because of these considerations, the *McNeil* and *Nystrand* references, alone or in combination, do not suggest Applicants' claimed apparatus. The *McNeil* and *Nystrand* references fail to disclose, teach, suggest, or even remotely render obvious every recited feature of Applicants' Claim 1. Applicants therefore request reconsideration and withdrawal of the Examiner's 35 U.S.C. §103(a) and rejection forthwith.

Conclusion

Based on the foregoing, it is respectfully submitted that each of Applicants' remaining claims is in condition for allowance and favorable reconsideration is requested.


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This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512, and no fee is believed due. However, if any additional charges are due, the Examiner is hereby authorized to deduct such charge from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Peter D. Meyer
Registration No. 47,792
(513) 634-7419

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